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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,259	12/29/2000	Victor Shao	50277-1525	4588

42425 7590 01/25/2005

HICKMAN PALERMO TRUONG & BECKER/ORACLE
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110-1089

EXAMINER	
ELALLAM, AHMED	

ART UNIT	PAPER NUMBER
2662	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/751,259	SHAO ET AL.	
	Examiner	Art Unit	
	AHMED ELALLAM	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-6,8 and 10-13* is/are rejected.

7)☐ Claim(s) *2,7,9 and 14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/08/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3, 4, 8, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Brookler et al, US 2002/0007303.

Regarding claims 1, 3, 8, 10, with reference to figure 1, Brookler discloses a method/a computer-readable medium carrying instruction for sharing surveys with a plurality of a survey respondents 16 (claimed on-line community) comprising:

A survey respondent 16 responds to a survey questions which is collected by a survey result (and analyses) database 22 (claimed gateway), the mobile device using a WAP (Wireless access Protocol) (claimed first protocol), the wireless having an interface (claimed user interface controls), see paragraph [0031], (claimed establishing a first connection between a mobile device and a gateway using a first protocol; wherein the mobile device support a first protocol but not a second protocol); Examiner interpreted the use of the wireless devise having the wireless interface for transmitting the survey to the survey result database 22 as being the claimed establishing a first connection, because a connection need to be established for the receiving of the survey questions; and survey response using the wireless device as being the claimed receiving user input that indicates the opinion through user interface controls on the

mobile device; and Brooker's ability of collecting the survey response of the wireless unit user by the survey result database 22, as being the claimed transmitting from the mobile device to the gateway, opinion data indicating the opinion, in a message that is not addressed to any specific member of the community, using the first protocol).

Transmitting the user surveys to the publishing engine 14 (claimed server) that publishes survey results after being analyzed, using a markup language see figure 6, step 96, paragraph [0065] and paragraph [0073]; (claimed storing opinion data as part of survey results at said server, the survey results reflects opinion data from a plurality of members of the online community).

Brookler, further discloses, with reference to figure 6, transmitting reports (claimed survey results) using different protocol such as HTML, from the publishing engine 14 to surveyors in response to received survey request (step 1 figure 1) received by the publishing engine in marked up protocol format (figure 6, unit 96).

Examiner interpreted the market-up language used between the database 22 and the publishing engine 14, as being the claimed usage of second protocol.

Regarding claims 4 and 11, Brookler discloses using a wireless connection between the mobile device 16 and the survey result database 22 (claimed transmitting opinion data from the mobile device to the gateway includes transmitting the opinion data over a wireless connection). In addition, with reference to figure 1, Brookler shows that the database 22 (claimed gateway) and publishing engine 14 (claimed server) are interconnected through the Internet, see also paragraph [0003]. (Claimed transmitting

opinion data from the gateway to the server includes transmitting opinion data over a network to which both the gateway and the server are connected).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brookler in view of Parker et al, US 2002/0052774.

Regarding claims 5 and 12, Brookler discloses all the limitations of base claim 1, except it does not disclose receiving from publishing engine previous survey data (claimed opinion) prior to imputing the user response, wherein the user input is entered as a response to previous survey responses (claimed previous opinion), and the server storing an association between previous survey response and the survey response (claimed prior to receiving user input that indicates the opinion, the mobile device receiving from the server, previous opinion data that indicates an opinion previously stored on the server, wherein the user input is entered as a response to the previous opinion data and the server storing an association between the previous opinion data and the opinion data).

However, Parker discloses with reference to figure 2, a follow-up survey to a previous survey, in which a server (unit 12, figure1) stores previous survey result and

follow-up survey result, wherein a client's respondent to the follow-up survey is based on the previous survey stored at the server. See abstract, paragraphs [0004], [0005] and [0022].

Therefore, it would have being obvious to an ordinary person of skill in the art, at the time the invention was made to provide the surveying method of Brookler with the follow-up surveying of Parker, so that correlation between surveys can be provided in the system of Brookler, A person of skill in the art would be motivated by having the surveys of Brookler be more specific (Parker paragraph [0005]). The advantage would be the ability of Brookler's system to provide different levels of surveys, (Parker paragraph [0025]).

4. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brookler in view of Plantec et al, US (6,826,540).

Brookler discloses all the limitations of base claim 1, except it doesn't explicitly disclose storing responses (claimed opinion data) and transmitting the opinion data with previously stored survey responses entered by the user, (claimed the opinion data is stored within the mobile device; and the stored opinion data is transmitted from the mobile device to the gateway in a batch with other opinion data previously entered by the user of the mobile device).

However, Plantec discloses a survey input client that transmits responses of a survey as an answer file (claimed batch) after the survey being stored in the client

computer, wherein the survey responses are previously entered by a survey participant. See column 9, lines 38-45 and column 35, lines 47-56.

Therefore, it would have being obvious to an ordinary person of skill in the art, at the time the invention was made to have the survey participant of Brookler stores the survey responses in there mobile devices so that the final surveys can be complete. The advantage would be more reliable and accurate survey results (Plantec column 1, lines 34-44) emanating from proper time given to participant to come up with the most reasonable opinion given various circumstances between events that may change participant opinion.

Allowable Subject Matter

5. Claims 2, 9, 7 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Montoya, US 2001/0047292; NANOS et al, US 2001/0052122;

AUGUST et al, US 2002/0059218; Torrance et al, US 2002/0107726; Hamlin et al, US (6,477,504); Amit et al, US 2004/0043770.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kizou Hassan can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHMED ELALLAM
Examiner
Art Unit 2662
21-Jan-05

HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600